MASS MEDIA IN BELARUS

E-NEWSLETTER

JULY – SEPTEMBER 2013

THE BELARUSIAN ASSOCIATION OF JOURNALISTS

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Radio Svaboda (svaboda.org)

I welcome the court's ruling to drop all charges against Paczobut and I hope that this was the last time a media worker faces criminal prosecution in Belarus because of his or her profession.

Dunya Mijatović, OSCE media freedom representative

It is deeply worrying that authorities in Belarus are using a law against extremism to censor a collection of prize winning images from across Belarus… Moreover, the withdrawal of the license for producing a publication that was only a year later declared extremist on spurious grounds punishes a reputable publishing house for a crime it could not have known was being committed at the time.

Jim Boumelha, IFJ President

The legislation that has been used to strip the highly respected Lohinvau publishing house of its license has been grossly abused to censor photography and instill a climate of fear among all media professionals.

Mogens Blicher-Bjerregåard), EFJ President



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MAIN EVENTS IN MASS MEDIA FIELD IN JULY-SEPTEMBER 2013

- **Termination of criminal prosecution of the journalists S. Vazniak, A. Fiaduta, I. Khalip, and A. Paczobut ;**
- **Detentions and notes of warning to journalists;**
- **Internet activists' prosecution;**
- **The use of law against extremism for restricting the freedom of expression.**

TERMINATION OF JOURNALISTS' PROSECUTION

In July 2013, the journalists Siargey Vazniak and Iryna Khalip as well as a political analyst and journalist Aliaksandr Fiaduta were released from serving criminal sentences. They had been convicted in 2011 for participating in protest demonstration after president elections 2010. In all cases the release from criminal prosecution was the result of the end of sentence or expiration of a suspended sentence.



On **July 19**, Iryna Khalip, the wife of the former candidate for presidency Andrey Sannikau, was released from the criminal liability of two-year suspended imprisonment. This happened as a result of expiration of the suspended sentence. For two years Iryna Khalip was forced to follow strict limitations, set by the court (in particular, she was forbidden to leave the house after 10 p.m).

On **July 23**, conviction and criminal record were removed from A. Fiaduta and S. Vazniak, who had

worked during the presidential elections at headquarters of another candidate for presidency, Uladzimir Niakliayeu. They were sentenced to two-year suspended imprisonment in May 2011. The court ruling came into legal force in two months, after the hearing of the appeal by Minsk City Court. On July 23, the suspended sentence in relation to A. Fiaduta and S.Vozniak ended.



On **September 23**, the Belarusian reporter of the Polish "Gazeta Wyborcza" Andrey Pachobut was released from the sentence of three-year suspended imprisonment for "slander against the President of the Republic of Belarus". The ruling to release the journalist from liability on the grounds of the suspended sentence expiration was received by the Court of Lenin District in the town of Hrodna. A. Pachobut was convicted on July 5, 2011, and before the hearing had spent several months behind the bars. In the summer of 2012, he was sued again for slander against the President of the Republic of Belarus. But on March,15 2013 the case was dismissed for lack of evidence.

DETENTIONS OF JOURNALISTS

Since the beginning of 2013, BAJ has traced 25 cases of journalists' detentions. Four of them ended with administrative arrests for the terms of 3 to 12 days. At least 7 journalists have been detained during the period under review.

On **July 25**, the reporter of Internal Politics department at the weekly newspaper "Belarusians and Market" Ihar Ilyash was detained by the police and kept at Maskousky District Department of Internal Affairs in Minsk for longer than an hour. He was suspected of having committed an offense.

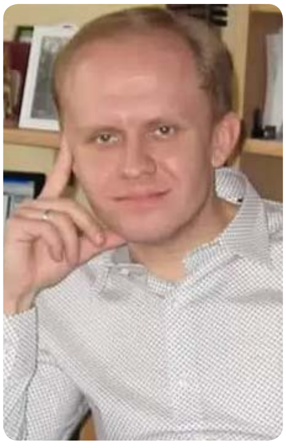
On **July 26**, the reporter of non-governmental agency BelaPAN Zahar Shcharbakou, BelaPAN cameraman Andrey Korsak and press photographer of "Nasha Niva" Siargey Gudzilin were detained in the capital city of Belarus. All the video and photo materials were removed from Korsak's and Gudzilin's cameras – Be-

IaPAN informed. The journalists were detained with the rally participants, who commemorated the anniversary of Belarusian Declaration of Independence on July 27, 1990.

On **September 14**, the reporter of Radio "Svaboda" Aleg Gruzdzilovich and the "Nasha Niva" newspaper journalists Iryna Arakhouskaya and Hanna Badziaka were detained by the police in Minsk. The journalists were to cover an event in memory of convict Ihar Ptsichkin, deceased in the remand centre. The journalists, together with the event participants, were taken to the police station, where their fingerprints were taken and photo- and video-materials removed. All of them were released after three hours of detention.

PERSECUTION OF INTERNET ACTIVISTS

In July-September 2013, persecution of Internet-activists (including bloggers, forum commentators, etc.) increased. In many cases, it was initiated by government agencies or officials.



In July, a playwright Andrey Karelin was sentenced by the Court of Frunzensky District of Minsk to a 7 million-rubles (about 600 euros) fine for his forum statements. This happened after Andrey Karelin left two negative comments relating Belarusian police on TUT.BY forum, and administrative proceedings were initiated for insulting an official while performing his duties. On August 26, the playwright had to resign from the theatre where he had worked as the head of literature and drama department. According to his words, this happened after a telephone call to the theatre director from the Main Office of Ideological Work at Minsk City Executive Committee.

On **August 8**, there was reportered possibility of filing new criminal proceedings for slander against some users of the pruzhany.net Web-site. The Chair of Pruzhansky District Court (Brest region) Uladzimir Sauchuk didn't like the comments upon one of the articles on the site, and asked the prosecutor to inspect the actions of the Web-site users as for

their legality. U. Sauchuk believes that some of them have carried out "slanderous speculations on charges of committing a serious crime" in regard to one of judges. The article that inspired the comments at pruzhany.net was called "Court ruling on the case of a teenager's death in Pruzhany announced". Many of the commentators were outraged by the court ruling acquitting the accused.



On **August 9**, Ruslan Mirzoyeu, the author of sensational Bynet video clips "The Factory Chronicles" and the "The District Chronicles" was sentenced to a 7-day administrative arrest. The official ground for the arrest was obscene language ("petty hooliganism", art. 17.1, Code of Administrative Law of the Republic of Belarus). "The District Chronicles" show the lowdown of the author's district, interviews with a drug-addict and a prostitute and some other characters included. Meanwhile, as the state TV channel ONT announced, "the prosecutor's office doesn't keep it a secret that the main reason for the punishment is not obscene language". According to an employee of the prosecutor's office, R. Mirzoyeu was prosecuted for "manipulating the social or public issues".

Another criminal case dealing with uploading materials to the web can be initiated in Svetlahorsk (Homel region). After the local blogger and civil activist Henadz Zhulega had made a video about the house of the Chairman of Svetlahorsk Executive Committee and placed it in social networks, the official's wife requested that H. Zhulega should be held responsible. She found the video insulting for her family and considered the information slanderous. On **August 17** Zhulega's apartment was searched by the police on prosecutor's assent, and his computer was withdrawn. The police noted that after the computer inspection the question of blogger's criminal liability would be considered.

THE USE OF LAW AGAINST EXTREMISM FOR RESTRICTING THE FREEDOM OF EXPRESSION

During the period under consideration the authorities continued to widely use the law against extremism for restricting the freedom of expression. The law against extremism has had the legal force in the Republic of Belarus since the beginning of 2007. Among the materials, recognized "extremist" there were CDs with the "Solidary with Belarus" concert recording in Warsaw, a Polish documentary – prize-holder of international festivals "Lekcja Bialoruskiego" ("A lesson of Belarusian") and the discs with pictures from protests demonstrations after the presidential elections-2006.

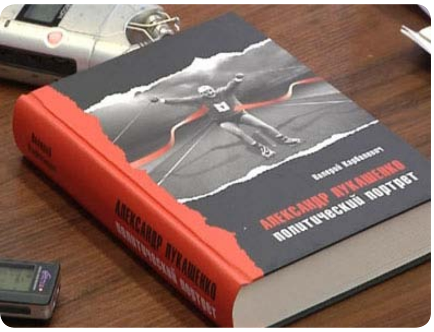
A new wave of cases to recognize materials as "extremist" started with the album "Belarus Press-Photos - 2011". On September 20, the Ministry of Information of the Republic of Belarus withdrew the "Lohvinau" publishing house licence for producing the album. In September at the Lithuanian-Belarusian border the Belarusian customs officials withdrew a book by Valer Karbalevich "Aliaksandr Lukashenka. Political Portrait" for inspection as regards extremism. The book by the Belarusian human rights defender Ales Bialiatski, that had been withdrawn there earlier, "Consecrated by the Belarusian Affairs"("Асьвечаныя Беларушчынай") has already been recognised by the experts committee as "harmful for the reputation of the Republic of Belarus"

On **July 17**, the Belarusian governmental newspaper "Respublika" published the updated "National List of Extremist Materials". Among others, there appeared the edition of "Belarus Press-Photos 2011" that was recognized extremist by Ashmiansky District Court in Hrodna region on April 18, 2013.



41copies of "Belarus Press Photo-2011" album were withdrawn from the photographers Yulia Darashkievich, Aliaksandr Vasiukovich, and Vadzim Zamirouski on November 12, 2012 at "Kamienny Log" border crossing. In February, there appeared information that the albums were passed over to

KGB. Soon after that the photographers received court subpoenas. According to the expertise, performed by ideologists and teachers of Hrodna university on KGB request, "the photo album materials selection reflects in total only the negative aspects of the Belarusian people's life... and undermines trust in the government and authorities from the point of view of foreign countries and foreign and international organizations".



On **September 14**, the activist Aliaksandr Malochka was deprived of the book "Aliaksandr Lukashenka. Political Portrait", written by the Belarusian journalist and political analyst Valer Karbalevich, on the way from Lithuania to Belarus. The book was taken for inspection as regards extremism. The expertise was to take place since September 30, and it had to last for about 20 days. An expert of the Main Office for Ideological Work, Culture and Youth Affairs of Hrodna Regional Executive Committee was in charge of the expertise. The Head of the Office Pavel Skabko was the Chairman of the Committee that recognized the album "Belarus Press Photo-2011" as extremist.

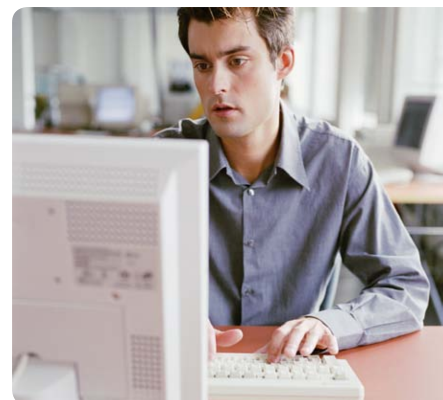
On **September 20**, the Ministry of Information of the Republic of Belarus dismissed the "Lohvinau" publishing house licence. The reason for the action was production of the photo album "Belarus Press-Photo - 2011". According to the ruling of Ashmiany District Court, the album was recognised to be containing extremist materials.

The "Lohvinau" publishing house is the flagship in the field of Belarusian literary publications.

RATING LISTS, INDEXES, REPORTS

According to preliminary “Index of Media Freedom in Eastern Partnership”, Belarus is the most problematic among the six member countries of the project.

The research was held within the project ENP Eap Media Freedom Watch. The freedom index was prepared on the basis of interviews with ten media experts in each of six Eastern Partnership countries: Azerbaijan, Armenia, Belarus, Georgia, Moldova, and Ukraine. The index determines the degree of compliance of regional journalists’ rights with fundamental rights and freedoms.



According to experts, Belarus showed the worst results in all four blocks of issues, including ‘Politics’, ‘Application Practice’, ‘Broadcasting’, and ‘Internet and New Media’.

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